

REMARKS/ARGUMENTS

In accordance with the remarks and amendments presented herein, reconsideration and allowance are respectfully requested. By this amendment, claims 1, 2-4, 6-13, 14, 15-17, 91-24, 25, 26-27, 30-37, 38, 43 and 44 have been amended. Claims 1-44 are pending for further examination.

Claims 1-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ito (U.S. Pat. 6,439,998) in view of Nakatanie et al. (U.S. Pat. 5,720,663) and Komoto (U.S. Pat. 6,273,814). Applicant submits that the prior art of record does not teach or suggest all elements of the claimed combination.

For example, claim 1 recites, *inter alia*, “one or more second storage locations for storing, for a plurality of enemies, one or more operation timing patterns indicating the timing of one or more sequential player inputs to be input in association with a corresponding enemy.” This clearly indicates that actual patterns for use with enemies are stored. For example, a pattern for a particular enemy may be to press buttons A, B, A, A at specified times. A, B, A, A is a pattern.

Contrastingly, the Examiner can only point to waiting times stored with respect to enemies and allege that these times equate to patterns. This is incorrect for several reasons. First, a wait time is not a pattern. Second, the wait time does not indicate timing of player inputs, but rather indicates the amount of time that must pass before an enemy can take another action. Thus, it is simply a delay time between enemy actions.

Nakatani and Komoto do not cure this noted deficiency of Ito. For at least this reason, Applicant submits that claim 1 is allowable over the prior art of record. Claims 14 and 25 recite similar limitations and should be allowable at least for similar reasons. Claims 2-13, 15-24, and

26-35 should be allowable based at least on their dependency from allowable independent claims.

Claims 36, 38 and 43 also recite similar limitations, except these claims tie the input patterns to background music patterns. For example, claim 36 recites, *inter alia*, “one or more second storage locations for storing, in association with said each enemy, background music that renders one or more operation timing patterns presenting a player with timing patterns to be operated in a rhythm pattern.” The Examiner has merely pointed to a teaching in Itou that background music is stored, and alleged that such a teaching meets these limitations. This is also incorrect.

While Itou does teach storing background music, the background music is not “associated with each enemy.” Further, the background music does not “render operation timing patterns presenting a player with timing patterns to be operated in a rhythm pattern.” The Examiner cannot simply find a teaching that background music is present and then allege that such a teaching meets all the above limitations without some showing that the background music actually corresponds to the claim limitations. A mere teaching of background music is insufficient.

For at least these reasons, claims 36, 38 and 43 are allowable over the prior art of record. Claims 37, 39-42 and 44 should be allowable based at least on their dependency from allowable independent claims.

For at least the reasons presented herein, the claims are believed to be in condition for allowance. Thus reconsideration and allowance are respectfully requested. If the Examiner has any questions, he is invited to call the undersigned at the number listed below.

ITOI et al.
Appl. No. 10/829,393
April 1, 2008

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bernard P. Tomsa/
Bernard P. Tomsa
Reg. No. 60,121

BPT:lmj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100